

700 N. Eugene Street
Greensboro, NC 27401
www.pyramidenvironmental.com



(336) 335-3174
(888) 276-1771
Fax (336) 691-0648

February 17, 2000

Mr. Cope Livingston
Lindley Property Trust
P.O. Box 35681
Greensboro, NC 27425-5681

RE: Gate City Truck Repair (ARA/Smith's)
6301 Burnt poplar Rd., Greensboro, NC
NCDENR Incident # 10077.

Dear Cope:

The following is a summary of the status of the Gate City Truck Repair site and the possibilities for obtaining closure, particularly with respect to NC Senate Bill 1159. As you know, we have been trying to obtain closure for this site for nearly a year. The only thing standing in the way of closure prior to SB 1159 was the presence of two supply wells within 1500 feet of the site. Neither supply well is down-gradient or within 700 feet of the site. One of the supply wells is currently out of service and the property is to be condemned by the NCDOT. The other belongs to Mrs. Pauline Atkins and is currently in use for her residence. We sampled Mrs. Atkins well in December, 1999 and results were below detection limits for all parameters by Methods 601, 602, 625+TICs, and 3030C (lead).

Mrs. Atkins has her property listed for sale, and it is our understanding that it is zoned such that it will not be able to be used as a residence after she moves out. Since city water is available any new development on the property would be required to be connected to city water. It is, therefore, very likely that in the near future Mrs. Atkins' well will be gone and the site ranking will be changed to "Low Risk".

Unfortunately, SB 1159, which became effective October 1, 1999, complicates the issue of closure for this site. SB-1159 requires that any site closed under risk-based rules where contamination remains above 15A:NCAC:2L Standards must have a deed restriction placed on the property. It is our understanding based on communications with Mr. Benne Hutson (one of the authors of SB-1159) and several NCDENR officials that SB-1159 was not intended to apply to the Petroleum UST program. The bill was meant to open doors to risk-based closure for sites where it is not currently available. Applying it to make risk-based closure of UST sites more difficult and more costly to the

UST Trust Fund is counter-intuitive. We understand that there is likely to be an effort to get the bill amended to exclude the UST program; however, this will take time and for now we must work within the context of SB-1159.

A memorandum from Bill Meyer of NC-DENR-DWM dated January 19, 2000 outlines DENR's proposed guidelines for implementation of SB-1159. There are two exceptions listed in that memo which may apply to the Gate City Truck Repair site and may, therefore, allow closure of the site without the deed restrictions. These exceptions are listed below.

- ***"Sites that submitted complete information prior to October 1, 1999 which would have resulted in a 'no further action' determination by DENR, will not be subject to deed recordation/restriction."***

In a letter dated August 19, 1999 to Cindy Rintoul of NC-DENR, we formally requested a change in the risk classification of the site which would allow closure. The letter summarized the status of the supply wells in the area and presented arguments why the site should be considered "Low Risk". This information was repeated in the last *Natural Attenuation Monitoring Report* for the site (dated September 2, 1999). It is our opinion that this information should have been sufficient to change the risk classification and therefore to close the site. A final decision on this was delayed, and then after SB-1159 became an issue, we were told that a decision would not be made before guidelines for its implementation were available.

- ***"Recordation/restriction will not be required for groundwater contamination when local ordinances prohibit any use of well water and the drilling of wells."***

It was our understanding based on earlier conversations with individuals at the City of Greensboro Planning Department and/or Water and Sewer Department that any new construction of development in the area around the subject property will be required to connect to city water and that use of the groundwater would be restricted. Mrs. Atkins and others were allowed to keep their supply wells because they existed prior to the current zoning restrictions. In a recent conversation (on or about February 11, 2000) with Mr. David Morefield of the Greensboro Water and Sewer Department, Mr. Morefield confirmed that any new construction or development in the area would be required to connect to city water.

In a conversations with Mr. Ben Woody of the Greensboro Zoning Enforcement Office on February 15-16, 2000, Mr. Woody confirmed that the Gate City Truck Repair property and all the surrounding properties, including Mrs. Atkins' property are zoned "Heavy Industry". He said that Mrs. Atkins' residential use was grandfathered so that if the use of the property changes the Heavy Industry zoning will be enforced and the property will have to be connected to city water.

It is the opinion of Pyramid Environmental that the risk classification for the Gate City Truck Repair site should be changed to "Low Risk" on the basis of information already submitted to NCDENR prior to October 1, 1999, and that the site should be closed without need of a deed restriction. The following facts support this position:

- 1) the only active supply well in the area is over 700 feet from the subject property and is not hydrodynamically down-gradient;
- 2) there is no evidence of the contaminant plume on the subject property migrating off site, so there is no tangible risk to the supply well;
- 3) the supply well is likely to be closed in the near future;
- 4) any new construction or development in the area will be required to connect to city water; and
- 5) continuation of natural attenuation monitoring or imposition of a deed restriction will cost the UST Trust Fund considerably more money than closing the site with no increase in real protection of human health or the environment.

I hope this information has been helpful. If you have any question or comments, please call us at 336-335-3174.

Respectfully,



G. Van Ness Burbach, Ph.D., PG.
Pyramid Environmental, Inc.